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FM AMEMBASSY SARAJEVO

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RUFOAOA/USNIC SARAJEVO BK PRIORITY

RUEAIIA/CIA WASHINGTON DC PRIORITY

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C O N F I D E N T I A L SARAJEVO 001626

NOFORN

SIPDIS

EUR (JONES), EUR/SCE (HYLAND, FOOKS, STINCHCOMB), INL
(KIMMEL); NSC FOR HELGERSON; OSD FOR BEIN

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TAGS: PGOV PREL ECON KCRM KJUS BK

SUBJECT: BOSNIA: STATE PROSECUTOR'S OFFICE MOVES BACK
TIMETABLE FOR CONFRONTATION WITH REPUBLIKA SRPSKA PM DODIK

REF: SARAJEVO 1596

Classified By: AMBASSADOR CHARLES ENGLISH FOR REASONS 1.4 (B) AND (D)

¶1. (C/NF) The State Prosecutor's Office delayed plans to request a seizure order from the State Court on October 20, which would have authorized the State Investigation and Protection Agency (SIPA) to obtain documents from RS government in connection with an ongoing investigation (reftel). Instead, the State Prosecutor's Office has decided to direct SIPA to make one final request -- based on its existing legal authority -- for documentation from the RS Tax Administration, RS Ministry of Communication, and RS Ministry of Finance. The RS refused to comply with such a request in September, and since that time, RS PM Dodik has threatened to forcibly resist an attempt by SIPA to seize the documents or conduct a search of RS government buildings for them. The State Prosecutor's Office will provide the three RS bodies seven days to respond to its request. If they fail to do so, the State Prosecutor's Office will then seek a seizure order, which would be executed according to the plan outlined in reftel.

¶2. (C/NF) State Prosecutor's Office contacts told us that their decision gives PM Dodik and the RS government one last chance to comply with their office's and SIPA's request for the documentation. However, they doubt that the RS government will cooperate unconditionally, as it is required to do by law. Our contacts anticipate that Dodik will respond by reiterating his demands that the State Prosecutor's Office, inter alia, provide his government with the names of those person against whom criminal reports have been filed, a description of the offenses with which they have been charged, and proof that the State Prosecutor's Office has jurisdiction to investigate the alleged crimes. As we have reported previously, the State Prosecutor's Office is not obliged to share any evidence until an indictment is filed, and to do so would compromise its work on the case. It would also violate the human rights of suspects, in contravention of the European Convention for Human Rights, since it would make public the names of suspects, who are presumed to be innocent until proven guilty.

Comment

¶3. (C/NF) The State Prosecutor's Office decision to provide Dodik and the RS government with one final opportunity to comply with its request before seeking a seizure order is consistent with its aim of trying to do all it can to avoid a confrontation. It assesses that the request will help shield

it from unfounded charges that it did not give RS officials adequate time to respond to its request for documentation. Nonetheless, we think it unlikely that Dodik will cooperate, which means the scenario outlined in reftel is likely to play itself out, though the confrontation may come in mid- rather than early November.

ENGLISH